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Elections to fill vacancies in subsidiary organs and other elections: election of eighteen members of the Human Rights Council

Note verbale dated 24 April 2009 from the Permanent Mission of Senegal to the United Nations addressed to the Secretariat

The Permanent Mission of Senegal to the United Nations presents its compliments to the United Nations Secretariat, Department for General Assembly and Conference Management, General Assembly Affairs Branch, and has the honour to transmit herewith an aide-memoire on the contribution and commitments of the Government of Senegal in the field of human rights, in connection with the forthcoming elections to the Human Rights Council (see annex).

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Annex to the note verbale dated 24 April 2009 from the Permanent Mission of Senegal to the United Nations addressed to the Secretariat

Aide-memoire on the contribution and commitments of the Government of Senegal in the field of human rights

Pursuant to General Assembly resolution 60/251

As it completes its first term as a member of the Human Rights Council, Senegal has decided, particularly in view of its progress in the field of human rights, its active contribution to the work of the Council and the confidence placed in it by the member and observer countries of that institution, to present its candidature for the renewal of its mandate at the elections to be held in May 2009.

I. General framework for the promotion and protection of human rights

Senegal wishes to recall the following elements of its human rights promotion and protection system, with emphasis on its major contributions in this area:

- Since its independence, Senegal has been engaged in building and continually strengthening a State genuinely governed by the rule of law and characterized by the separation of powers, respect for the Constitution and guarantees of the rights set forth therein, strong democratic traditions and stable public institutions;
- Senegal is committed to the universal values of democracy, peace and sustainable development;
- Human rights are central to the Constitution and institutions of Senegal, the only African country to have been a member of the Commission on Human Rights for 26 straight years and again from 1998 to 2003, for a total of 31 years, and to have chaired the Commission on three occasions, in 1968, 1978 and 1988, a history that attests to the international community's continually renewed confidence in Senegal in this area;
- It was during this crucial period in the history of the Commission on Human Rights that important human rights standards were developed and special procedures (working groups, independent experts and special representatives) were introduced to monitor their implementation;
- Senegal played a leading role in the codification of international legal standards, particularly in the areas of human rights and international humanitarian law, by participating actively in the development of instruments such as the African Charter on Human and Peoples' Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and contributing to the progressive affirmation of the right to development;

- Human rights and freedoms are enshrined in a wide array of legal instruments in Senegal that provide individuals and groups of individuals with a variety of reliable remedies to ensure the protection of these rights and freedoms and to afford legal certainty to the persons concerned;

- The sanctity of the human person is enshrined in Senegal's Constitution, article 7 of which provides that "the human person is sacred and inviolable. The State has an obligation to respect and protect this inviolability";

- Senegal's constituent assembly, considering the preamble to the Constitution as an integral part of that document, decided to give constitutional status to the international human rights instruments referred to in that preamble, including the Universal Declaration of Human Rights of 10 December 1948; the Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979; the Convention on the Rights of the Child of 20 November 1989, ratified by Senegal, and its two optional protocols, one on the sale of children, child prostitution and child pornography, which entered into force on 18 January 2002, and the other on the involvement of children in armed conflict, which entered into force on 12 February 2002, both of which were signed and ratified by Senegal; and the African Charter on Human and Peoples' Rights, adopted in June 1981;

- Senegal is about to complete a major overhaul of its Criminal Code, Code of Criminal Procedure and Code of Military Justice, with a view to implementing a number of international human rights instruments in order to improve the administration of justice and effectively combat impunity;

- In addition, Senegal has:

  - Abolished the death penalty by Law No. 2004-38 of 10 December 2004, after several decades of de facto abolition;

  - Adopted Law No. 2005-06 of 10 May 2005 for the prevention and punishment of human trafficking and similar practices and for the protection of trafficking victims;

  - Appointed, by Decree No. 2004-657 of 2 June 2004, a High Commissioner for Human Rights and Peacebuilding with ministerial rank;

  - Instituted, by Decree No. 00569 of 6 July 2004, a National Advisory Council on Human Rights consisting of officials of ministerial departments and representatives of non-governmental organizations specializing in human rights, international humanitarian law, women's rights and children's rights, one of whose essential purposes is to help improve the promotion of respect for human rights and a culture of peace.

II. Actions taken since Senegal's election to the Human Rights Council in 2006

- Senegal has signed or ratified the following international human rights instruments:

- The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (ratified on 20 September 2006);
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- On 9 April 2009 the Government of Senegal adopted a draft law authorizing the President of the Republic to ratify the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, both of which were signed by Senegal on 25 April 2008;
- On 6 February 2007, Senegal was one of the 57 countries that were the first to sign, in Paris, the International Convention for the Protection of All Persons from Enforced Disappearance, adopted unanimously by the United Nations General Assembly on 20 December 2006; on 28 November 2008 Senegal became the first African country to ratify that instrument.

– The domestic legal reforms adopted to implement various international human rights instruments include the following:

- Law No. 2007-02 and Law No. 2007-05 of 12 February 2007 amending, respectively, the Criminal Code and the Code of Criminal Procedure and providing for the implementation of the Rome Statute of the International Criminal Court;
- Law No. 2009-13 of 2 March 2009 establishing a national monitoring body for places of deprivation of liberty. The role of this fully independent institution, the first of its kind in Africa, is to prevent acts of torture in places of detention and to ensure that such facilities meet international standards.

– Regarding the promotion of women's rights, Senegal:

- Authorized, through Decree No. 2007-1244 of 19 October on the recruitment of women, the access of women to key sectors of the Senegalese army;
- Provided, through Decree No. 2008-01 of 8 January 2008 amending some provisions of the general tax code, for equal taxation for men and women. Heretofore, working married women with the same family circumstances and earning the same salary paid higher taxes than men;
- Established, through Decree No. 2008-1047 of 15 September 2008, women's rights watch to protect and promote women's rights.

– The protection and promotion of economic, social and cultural rights also constitute a key pillar of the Senegalese Government's policy. Senegal has:

- Allocated 10 per cent of its national budget to the health sector and implemented an ambitious plan — "plan sésame" — under which senior citizens receive free health care;
- Allocated 40 per cent of its national budget to the education sector and considerably increased the number of schools and universities;

- Launched, on 23 April 2008, a comprehensive agricultural recovery programme known as "a major drive for agriculture, food and abundance" (GOANA) designed to boost the production of key staple crops so as to attain food self-sufficiency and guarantee the right to food.

– As far as the strengthening of bodies responsible for the promotion and protection of human rights is concerned, Senegal:

- Attended all the regular and special sessions of the Human Rights Council and actively participated in building and enhancing its institutional framework;

- Agreed, upon the request of the United Nations High Commissioner for Human Rights, to host, free of charge, a regional OHCHR office for West Africa in Dakar, which was inaugurated in December 2007;

- Accepted the requests by special procedures mandate holders, including the Special Rapporteur on the Right to Education, to visit the country.

In that regard, Senegal, whose report was examined under the universal periodic review mechanism of the Human Rights Council on 6 February 2009, welcomes the positive feedback from nearly all members of the Council, as reflected in the many plaudits earned by the Government of Senegal.

In view of the strides it has made in the field of human rights and its active and positive contribution to the work of the Human Rights Council, Senegal has decided to present its candidature for the renewal of its mandate at the elections to be held on 12 May 2009.

III. Renewed commitment to enhanced promotion and protection of human rights

Senegal pledges to:

– Scrupulously abide by all the conventions and protocols on human rights, most of which it has ratified, so as to build on achievements in that area;

– To ratify in 2009 the following international instruments on human rights:

- The Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity;

- The Convention on the Rights of Persons with Disabilities and the optional protocol thereto.

– Strengthen the promotion of civil, political, economic, social and cultural rights by:

- Continuing to allocate 40 per cent of its national sector to the education sector, to build more schools and universities and to give special attention to the enrolment of girls in order to achieve universal education;

- Continuing to provide free health care to senior citizens and creating the conditions for providing better care for persons with disabilities in

accordance with the Convention on the Rights of Persons with Disabilities;

- Stepping up its efforts to reduce maternal mortality, especially in rural areas, and continuing to provide free antiretroviral drugs to persons living with AIDS;
- Ensuring that the rights of individuals are scrupulously respected in accordance with the fundamental cultural and moral values of the Senegalese nation.

– Provide support to human rights bodies by:

- Continuing, as in the past, to receive visits by special procedures mandate holders of the Human Rights Council by providing them with facilities and support in the discharge of their mandates;
- Meeting the deadlines for the submission to treaty monitoring bodies of periodic reports on the implementation of relevant international human rights instruments;
- Continuing to submit reports under the universal periodic review mechanism of the Human Rights Council as previously;
- Continuing and strengthening its active cooperation and consultations with both national and international non-governmental organizations;
- Continuing to combat impunity through its own courts and through international criminal jurisdictions, while contributing to the enforcement of decisions by such jurisdictions, including by entering into agreements for the enforcement of sentences or any other relevant agreement with such jurisdictions.